

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Jerry H. Stoller	Customer No.	23,444
Serial No.:	10/677,708	Art Unit:	1616
Date Filed:	October 02, 2003	Examiner:	Alton Nathaniel Pryor
For:	Controlling Plant Pathogens and Pests with Applied or Induced Auxins	Atty No.	Docket SOR028/189341

RCE TRANSMITTAL

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

Continued Examination Request Fee \$ 405.00

TIME REQUEST IS BEING MADE

2. This request is being submitted (*check appropriate items below*):
- i. Prior to abandonment of the application
 - ii. Payment of the issue fee
 - Prior to payment of the issue fee
 - Issue fee has been paid but a petition under § 1.313 has been granted
 - iii. Prior to a decision on appeal to the Board of Patent Appeals & Interferences
 - A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
 - iv. Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or
 - Commencement of a civil action under 35 U.S.C. 146
 - Prior to the filing of such appeal or commencement of civil action
 - Such appeal or commencement of civil action has been terminated
- ENCLOSURES

3. Enclosed herewith is/are:

- An information disclosure (37 C.F.R. § 1.98)
 - Form PTO-1449 (PTOISB108A and 08B)
- New Arguments
- New Evidence in support of patentability
- Other: An Amendment

FEE FOR REQUEST (37 C.F.R. § 1.17(e)).

4. This application is on behalf of:

- | | |
|--|-----------------|
| <input checked="" type="checkbox"/> Small Entity (and status is still as small entity) | \$405.00 |
| <input type="checkbox"/> Other than a small entity | \$810.00 |

FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

Claims Remaining After Amendment	Highest No. Previously Paid For	Extra Present	Rate	Added Fee
Total: 62	70	0	\$26/52	\$0
Independent: 8	8	0	\$110/220	\$0
First Presentation of Multiple Dependent Claims:			\$390/195	\$0
				Total Additional Fees:
				\$0

WARNING: See 37 C.F.R. § 1.116.

(complete (a) or (b), as applicable)

(a) No additional fee is required.

OR

(b) Total additional fee required is \$ _____

EXTENSION OF TIME

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. 136(a) apply.

(a) Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension for (months)	Large Entity	Small Entity
<input type="checkbox"/> one month	\$ 130.00	\$ 65.00
<input type="checkbox"/> two months	\$ 490.00	\$ 245.00
<input checked="" type="checkbox"/> three months	\$ 1,110.00	\$ 555.00

<input type="checkbox"/>	four months	\$1,730.00	\$ 865.00
<input type="checkbox"/>	five months	\$2,350.00	\$1,175.00

Fee: \$ 555.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

(b) Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE(S) DUE

7. The total fee(s) due is/are:

Continued Prosecution Fee (§ 1.17(e)).....	\$ 405.00
Fee(s) for additional claims (if any) (§ 1.16(b)-(d))	\$ 0.00
Extension of time fee (if any) (§ 1.17(a)(1)-(4))	\$ 555.00

Total Fee(s) Due.....\$ 960.00**PAYMENT OF FEE(S) DUE**

8. Please pay the fee(s) for this continued examination application as follows:

<input type="checkbox"/> Check is attached for the sum of	\$
<input checked="" type="checkbox"/> Charge Account <u>50-0897 (SOR028/189341)</u> the sum of	\$ 960.00
<input type="checkbox"/> Charge Credit Card the sum of	

(Credit Card Payment Form (PTO-2038) attached)

Please charge any required additional fee(s) for § 1.17(e), § 1.16(b)-(d) and/or § 1.17(a)(1)-(4) to
 Account 50-0897 (SOR028/189341)

Credit Card (Credit Card Payment Form (PTO-2038) attached).

INVENTORSHIP

9. This application as amended names as inventors:

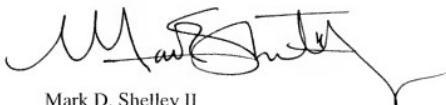
- the same inventors as previously designated for the claims.
- fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.

- a person not named previously as an inventor and a petition under 37 C.F.R. § 1.48 is/has separately:
 being filed been filed

DEFERRAL OF EXAMINATION

10. A request for deferral of examination accompanies this request for continued examination.

Respectfully submitted,



Mark D. Shelley II
Reg. No. 59,095
Attorney for Applicant

Date: February 4, 2011
Andrews & Kurth, L.L.P.
600 Travis, Suite 4200
Houston, Texas 77002
713/220-4043 (office)
713/238-7285 (facsimile)
Cust. No. 23,444